

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN L. PHILLIPS, SR.,

Plaintiff,

v.

Case No. 09-C-515

KAREN TIMBERLAKE, et al.,

Defendants.

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**ORDER**

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Plaintiff is an inmate confined under Chapter 980. He has filed several motions, all of which I address herein. First, he seeks appointment of counsel, and in support of that motion he has filed a motion for leave to proceed *in forma pauperis* to demonstrate indigence. Although I am satisfied that the plaintiff is indigent, he has not demonstrated that this case would warrant appointment of an attorney. The court system has no funding for such positions, and courts are reluctant to require attorneys to work for free except in unusual circumstances. I am satisfied that, for now, the plaintiff maintains the ability to prosecute this action on his own. It involves a straightforward assault in which he will be the key witness. It also involves the knowledge of the defendants as to the dangerousness of the assaulter. These are not particularly complex factual issues, and the contours of the applicable law are not difficult to discern. Plaintiff's filings are intelligible and he displays an adequate ability to advance his arguments. In the event the case proceeds to trial, the matter may be revisited. *Pruitt v. Mote*, 503 F.3d 647, 660 (7th Cir. 2007).

Plaintiff also moves for an order requiring the Winnebago County District Attorney's office to produce photos of his injuries. He further moves to have the Court serve subpoenas on defendants' counsel regarding documents he asserts have not been produced. These motions will be denied. To the extent the defendants are in possession of relevant evidence, Plaintiff is entitled to production of such documents under normal discovery rules. *See, e.g.*, Fed. R. Civ. P. 26(b). If the defendants are not complying with his discovery requests, he may move to compel production. But serving subpoenas and ordering the district attorney's office to provide documents are not proper avenues of recourse. Accordingly, all pending motions are **DENIED**.

Dated this 6th day of July, 2009.

s/ William C. Griesbach

William C. Griesbach

United States District Judge